REMARKS

This paper responds to the Office Action dated January 11, 2010. Claims 1-9, 11-19 and 22 are now pending in this application.

Interview Summary

Applicant thanks Examiners Carter and Weiss for their courtesy during the telephone interview held on March, 22 2010 with Applicant's representative, Andrew R. Peret. Examiners Carter and Weiss and Applicant's attorney agreed that the pending claims are allowable over the prior art of record.

The Rejection of Claims Under § 103

Claims 1-3, 5, 8, 11-13, 15, 18 and 20-22 were rejected under 35 U.S.C. § 103(a) over Harding et al. (U.S. Publication No. 2005/0144052,hereinafter; "Harding") in view of Machin et al. (U.S. Patent No. 6,877,034, hereinafter; "Machin").

Claims 4 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding in view of Machin and further in view of Cheng et al. (U.S. Publication No. 2002/0059130, hereinafter; "Cheng").

Claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding in view of Machin and further in view of Amazon.com (2000).

As discussed during the interview, the prior art of record is not necessarily proper in the pending § 103 rejections. Applicant notes that the Examiners agreed that the cited art does not describe:

> "a collection module to
> > collect attribute information for a first plurality of sellers that includes a first
> > > seller, and
> > store the attribute information in a storage device;
>
> a computing module to compute peer information associated with a second plurality of

sellers, the second plurality of sellers comprising a subset of said first plurality of sellers, the peer information computed by combining together the attribute information of the second plurality of sellers;

a comparison module to compare the peer information associated with the second plurality of sellers with attribute information for the first seller;
and
a detection module to detect outlying behavior by the first seller based on the comparison"

as recited in independent claim 1, and as similarly recited in independent claims 11 and 22.

Reconsideration and allowance of claims 1-3, 5, 8, 11-13, 15, 18 and 20-22 are respectfully requested.

AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111
Serial Number:10/822,894
Filing Date: April 12, 2004
Title: METHOD AND SYSTEM TO DETECT OUTLYING BEHAVIOR IN A NETWORK-BASED MARKETPLACE

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Dkt: 2043.127US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (262) 646-7009 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date   25 March 2010   By   /Andrew Peret /
                                    Andrew R. Peret
                                    Reg. No. 41,246

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this __25th__ day of March, 2010.

__Chris Bartl__
Name

_____
Signature